

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN MICHAEL BUTLER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 2:21-cv-01697-JDP (SS)

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

RESPONSE DUE WITHIN 30 DAYS

On September 22, 2021, the court denied plaintiff's motion to proceed *in forma pauperis* without prejudice and directed plaintiff to refile. ECF No. 3. Plaintiff has not filed a new motion. Accordingly, the court will order plaintiff to show cause why this case should not be dismissed for failure to prosecute. The court will also grant plaintiff another opportunity to file a new motion or pay the filing fee.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with a court order. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005). Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. The

1 court will give plaintiff a chance to explain why the court should not dismiss the case for
2 plaintiff's failure to prosecute. Plaintiff's failure to respond to this order will constitute a failure
3 to comply with a court order and will result in dismissal of this case.

4 Accordingly:

5 1. Plaintiff is ordered to show cause within 30 days why this case should not be
6 dismissed for failure to prosecute.

7 2. Plaintiff is ordered to either pay the filing fee or file a new motion to proceed *in*
8 *forma pauperis* within 30 days of the date of entry of this order.

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10 IT IS SO ORDERED.

11 Dated: December 13, 2021

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13 JEREMY D. PETERSON
14 UNITED STATES MAGISTRATE JUDGE
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